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## Where There's a Will...

You'll likely never see ads on prime time television regarding updating your Will. But now, in light of the **Tax Relief, Unemployment Insurance Reauthorization and Job Creation Act of 2010** and its many provisions, you don't want to tempt fate – and the tax man by putting off a thorough review of your Estate Plan.

Highlights of the above-mentioned Act include an increase in the exemption amount to \$5 million, the reunification of the Gift and Estate Tax rules, and the introduction of Portability between spouses. Additionally we have regained the old Step Up in Cost Basis rules and say goodbye to Carryover Basis.

These are just a few of the provisions of the new Tax Act that may affect your Current Will and Estate Plan. Navigating this new landscape correctly may be critical to meet the needs of your heirs and ensure your assets are distributed based upon your wishes rather than the Governments.

The following checklist highlights non-tax events that may trigger a need to update (or create) a Will:

- ☑ **Marriage or divorce.** During significant events like these, it's easy to forget to plan for the needs of your new partner – or conversely, to adjust your plans to reflect your now-single status.
- ☑ **Birth or adoption.** Congratulations on adding a new family member! Now consider: Who will care for this child, and how, if you and your spouse are no longer here? Have the answer? Put it in writing in your Will.
- ☑ **Children have reached age 18.** If your children have reached legal adulthood, you may wish to update your Will accordingly.



*Consult with our Trust and Estate planning professionals at Bay Trust Company for further Estate planning assistance.*

- ☑ **New state laws (or moving to another state).** Not all state laws or taxes are equal, and they're also often updated. Be sure your Will reflects the current laws of the state in which you reside.
- ☑ **Substantial increase (or decrease) in net worth.** If your assets have substantially grown due to a business success, property sale or inheritance, or if you've suffered a financial stumble, your Will should follow suit. For example, if you inherit your late uncle's Bonanza-sized ranch and forget to add it to your Will, your oversight will not be overlooked upon your demise.
- ☑ **Death of someone named in your Will.** This is one of the most often-overlooked reasons for updating a Will – yet also the most easily remedied.
- ☑ **Desire to provide for a certain charity.** Your interest in giving to a particular charity may change over time – or you may have found a great new charity to add to your Will. Be sure it's listed.

### Update How Often?

As a general rule, you should review your Will every three years – or more often if you experience any of the events listed above. The cost of updating it will likely be far less than for preparing the original document – particularly if you use the same professional. Consult with our Trust and Estate planning professionals at Bay Trust Company for further Estate planning assistance. Call Bay Trust Company directly at **(804) 435-4137** or your Golden Advantage Team at **(804) 435-4118** to schedule a confidential appointment.